

By Hand and E-Mail

January 20, 2006

April Mulqueen, Assistant Director
Telecommunications Division
Massachusetts Department of Telecommunications and Energy
One South Station – 2nd Floor
Boston, MA 02110

RE: DTE 01-33 – Petition for Waiver of Denial by NeuStar of DSCI Request
for Telephone Numbering Resources

Dear Ms. Mulqueen:

DSCI Corporation (“DSCI” or the “Company”) hereby requests that the Telecom Division (“Staff”) of the Department of Telecommunications and Energy (“Department”) grant a waiver of the NeuStar, Inc.’s (“NeuStar” or “Pooling Administrator”) decision dated December 15, 2005, denying DSCI’s request for an NXX code in the Newton rate center. The Newton NXX is needed to establish a locational routing number (“LRN”) that would provide for substantially more efficient and more secure routing of calls between DSCI customers and the Verizon tandem switch (NWTNMAWA01T). If the waiver request for Newton is approved, DSCI envisions that it will request additional NXX codes to establish LRNs for the remaining five Verizon tandem switches in the 128 LATA.¹

Background and Nature of the Numbering Request

DSCI is a competitive local exchange carrier (“CLEC”) operating in the Commonwealth and other states. DSCI recently completed a facilities-based network and has established trunking to all seven Verizon tandems in LATA 128. During 2005, DSCI requested and received from the Pooling Administrator an NXX needed to establish a LRN in Boston as well as 1,000 block allocations for each of the other six Verizon

¹ The five other rate centers and Verizon tandem switches are as follows:

| <u>Rate-center</u> | <u>Verizon Tandem</u> |
|--------------------|-----------------------|
| Worcester | WRCSMACE03T |
| Brockton | BRTNMACO04T |
| Lawrence | LWRNMACA03T |
| Framingham | FRMNMAUN04T |
| Salem | CMBRMABE02T |

tandem locations. All carriers presently route termination traffic to the Verizon tandem that serves the DSCI Boston LRN (CMBRMABE01T).

After reviewing internal traffic studies for all tandem trunks and observing call patterns related to incoming calls, DSCI decided to establish LRNs for the remaining six Verizon tandems in LATA 128. By assigning customers' ported numbers to the LRN closest to their local tandem, Verizon and DSCI both would realize benefits, including (1) increased efficiency with their network facilities, (2) avoidance of excessive need for installation of trunk facilities between the DSCI switch and the Cambridge tandem that has to be monitored closely to avoid customer-affecting call blocking, (3) a potentially important measure of redundancy -- as a disaster or outage in Verizon's Cambridge tandem would affect substantially all of DSCI's facilities-based customers, and (4) minimization of reciprocal compensation impacts that currently result from transporting calls between all parts of Eastern Massachusetts and Verizon's Cambridge tandem. It is DSCI's understanding that other CLECs operating in LATA 128, including PaeTec, use multiple LRN assignments in order to distribute call traffic locally and above efficiency and redundancy benefits.

In December, 2005, DSCI sought to secure the additional LRNs by first returning all telephone number resources assigned to DSCI in the Newton rate center and then on December 12, 2005, filing a request with the Pooling Administrator for a NPA-NXX needed to establish a LRN in Newton. (A copy of the December 12, 2005 request to the Pooling Administrator is attached as Exhibit A.) Staff should note that if granted by the Pooling Administrator, DSCI would only receive the LRN for the Newton NXX and a single 1,000 block; the remaining 9,000 numbers would be returned to the Pooling Administrator. On December 15, 2005, DSCI's request was denied by the Pooling Administrator, citing on Section 8.2 of the Thousands Block Number Pooling Administration Guidelines.² (A copy of the December 15, 2005 denial from the Pooling Administrator is attached as Exhibit B.) While worded in somewhat cryptic manner, the Pooling Administrator's ruling is essentially that a carrier can establish a LRN only at its single "POI" or point of interface (i.e., at DSCI's switch) and that LRN requests for other locations will be denied, subject to appeal to the local utility commission under federal law, the Pooling Guidelines and procedures established in this docket.³

² The denial reads as follows:

DR-26: We are unable to process your request for a full NXX to establish an LRN. Section 8.2 of the TBPAG (THOUSANDS-BLOCK NUMBER (NXX-X) POOLING ADMINISTRATION GUIDELINES) states "When there are multiple tandems owned by different SPs in a single, LATA, the requesting SP may obtain a new NXX in order to establish an LRN for each subtending POI." If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

³ The Pooling Administrator is relying specifically on Section 8.2 of the Policy Guidelines. Section 8.2 reads in pertinent part as follows:

An SP requiring an LRN will not be assigned an NXX for the sole purpose of establishing an LRN (either as an initial or growth NXX in a rate area) unless that service provider's switch or

Request for Waiver of NeuStar's Numbering Resource Denial

In setting its policy for the assignment of telephone numbers, the FCC designated North American Numbering Plan Administration ("NANPA") and the Pooling Administrator to handle numbering resource administration. If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. § 52.15(g)(3)(iv), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part..... The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein.

In addition, the FCC through the INC Guidelines also provides that appropriate regulatory authorities may review the Pooling Administrator's decision to deny a request for numbering resources. See Thousands Block Pooling Guidelines at Sections 3.7 and 12(c).

In the instant case, DSCI requests that Department Staff overturn the Pooling Administrator's decision and order the requested Newton rate center NXX code be assigned to DSCI for purposes of establishing another LRN at the Verizon tandem. While DSCI has only one switch, which is located in Boston, the current practice of carriers, and the more efficient process of handling customer traffic, is to maintain LRNs based upon the location and use of the tandems rather than the location of the carrier's switch. Even if the DCSI secures an NXX needed to establish its LRN in Newton and the remaining other five tandems in the 128 LATA, DSCI will receive only 1,000 numbers for each 10,000 number block of NXX numbers requested, Thus, DSCI requires a net of only 6,000 numbers and there is no number exhaustion in granting DSCI's request.

All necessary elements are present to allow Staff to overturn the NeuStar's denial. DSCI made the appropriate application to the Pooling Administrator. The Pooling Administrator rejected DSCI's request for the NXX code based on Section 8.2, which presumptively limits LRNs to the carrier's point of interface (or switch) in a LATA. Waiving this denial and assigning the Newton NXX to DSCI is consistent with similar utilization by other CLECs in the Commonwealth and would support the public interest by allowing DSCI and Verizon to manage their respective networks more efficiently and effectively.


subtending POI does not yet have an LRN for the LATA where the SP intends to provide service. LRNs are to be used for routing and not for rating/billing calls.

Conclusion

Accordingly, for the above stated reasons, DSCI respectfully requests that Department Staff grant this waiver and direct NeuStar to assign to DSCI an NXX code needed to establish a LRN in the Newton rate center adjacent to Verizon's tandem switch. In the event this waiver is granted, DSCI envisions making subsequent requests for LRNs in Verizon's five other tandem locations in the 128 LATA.

Thank you for your assistance in this matter. If you have any questions, please call me at 617-457-4062.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Munnelly, Jr.', with a stylized, flowing script.

Robert J. Munnelly, Jr.

Enclosures

cc: Mary L. Cottrell, Secretary
Michael Isenberg, Director of Telecom Division
D.T.E. 01-33 Service List (by e-mail only)

Exhibit A

Tracking Number: 617-Newton-MA

Central Office Code (NXX) Assignment Request – Part 1

Revised: March 18, 2005

Type of Application: **X-New** ☐ **Change¹** ☐ **Delete**

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: DSCI CORPORATION

Headquarters Address: 95 Business Park Drive

City, State, Zip: Tilton NH 3276

Contact Name: Mary Lou Carey

Contact Address: P.O. Box 2602 City, State, Zip: Wilsonville OR 97070

Phone: (503) 682-7517 FAX: (503) 682-7507 E-Mail: marylou@backuptelecom.com

Code Administrator:²

Name: Lori Hershey

Address: 46000 Center Oak Plaza City, State, Zip: Sterling VA 20166

Phone: (571) 434-5409 FAX: (571) 434-5502

1.2 NPA: 617 **NXX:**³ **LATA:** 128 **OCN:**⁴ 966c Parent Company's OCN(s) 966c

Switching Identification (Switching Entity/POI)⁵ CHTWMABFDS2

Locality/City/Wire Center: Newton Rate Center:⁶ Newton

Homing Tandem Operating Co.⁷: Verizon

Tandem Homing CLLITM:⁸ NWTNMAWA01T

1.3 Dates: Date of Application: Dec. 12, 2005 Requested Effective Date:^{9 10} Feb. 23, 2005

1.4 Type of company/entity requesting the code:

a). (LEC, CLEC, IC, CMRS, Other): CLEC

b). Type of service (e.g Wireline., Cellular - Type 2): Wireline

c). Code Assignment Preference (Optional) 617-XXX-5

d). Codes that are undesirable, if any No contaminated codes

e). Type of change _____

1.5 Type of Request (Initial, growth, etc.): Initial

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pool Indicator Yes ¹¹

1.6 NPA Jeopardy Criteria Apply: Yes _____ No X

1.7 Code request for new service (Explain): Requesting LRN for Newton tandem area

1.8 Part 2 is attached _____ **Part 2 is not attached** X for BIRRD^{12, 13}

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application¹⁴:

Signature of Code Applicant: _____ Title CLEC Consultant Date: 12/12/2005

1. Identify type and reason for change(s) in Section 1.4(e).
2. A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.
3. The NXX field is required for any code request in which there is a change or the NXX is being returned.
4. Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (973-884-8355) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telcordia™ Routing Administration (TRA) on 732-699-6700.
5. This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character Telcordia™ COMMON LANGUAGE® CLLI™ Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)
6. Rate Center name must be a tariffed Rate Center associated with toll billing.
7. Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.
8. This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.
9. Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.
10. Requests for code assignment should not be made more than six months prior to the requested effective date.
11. The Applicant will indicate "Yes" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.
12. Applicant is not required to submit Part 2 of the code request form if it is doing its own Telcordia™ Business Integrate Routing and Rating Database System (BIRRDs) entries, or if the applicant has arranged for a third party to input the Part 2 forms data on its behalf.
13. WARNING! It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDs. The 45 calendar day nationwide minimum interval cut-over for BIRRDs will not begin until input into BIRRDs has been completed.
14. An incomplete form may result in delays in processing this request.

From: dora.wirth@NeuStar.com [mailto:dora.wirth@NeuStar.com]
Sent: Thursday, December 15, 2005 6:14 AM
To: marylou@backuptelecom.com; marylou@backuptelecom.com
Cc: PA_Part3@neustar.biz
Subject: Pooling Administrator's Response/Confirmation Part 3, 617-NEWTON-MA-111603

NEUSTAR
Pooling Administration System

Dated 15 December 2005

Pooling Administrator's Response/Confirmation
Part 3

| | |
|--|-----------------------------|
| Tracking Number 617-NEWTON-MA-111603 | |
| Date of Application 12/12/2005 | Block Effective Date |
| Date of Receipt 12/12/2005 | Date of Response 12/15/2005 |
| Service Provider Name BackUP Telecom Consulting, LLC | |
| (Telcordia TM LERG TM 966C-DSCI CORPORATION MA | |
| Routing Guide) OCN | |
| NPAC SOA SPID | |

Pooling Administrator Contact Information :

Name Dora Wirth

Phone (925) 363-8706

Fax (925) 363-7684

E-Mail dora.wirth@neustar.com

Response

NPA-NXX-X 0-0-0

Block Assigned
Block Disconnected

Block Contaminated (Yes or
No)

Block Allocation Date

Switch Identification CHTWMABFDS2
(Switching Entity / POI)

Rate Center NEWTON

Rate Center Sub Zone

X **Form Complete, block requested denied**

Explanation :

DR-26: We are unable to process your request for a full NXX to establish an LRN. Section 8.2 of the TBPAG states "When there are multiple tandems owned by different SPs in a single, LATA, the requesting SP may obtain a new NXX in order to establish an LRN for each subtending POI." If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

**Assignment activity suspended by the
administrator**

Explanation :

Further Action :

Remarks :

Pooling Administrator
Dora Wirth
1800 Sutter St. Ste. 780
Concord, CA 94520